

2009 DRAFTING REQUEST

Bill

Received: 03/09/2009

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Andy Jorgensen (608) 266-3790

By/Representing: Darrel

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - munis generally
Local Gov't - zoning

Extra Copies:

Submit via email: YES

Requester's email: Rep.Jorgensen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Limit use of direct annexation by unanimous approval to town land that borders a city or village

Instructions:

AM; s. 66.0217 (2) to require that the annexed land must be contiguous to the city or village, and AM s. 66.0217 (11) (c) to allow a town challenge but only the issue of contiguity.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 03/09/2009	nnatzke 03/11/2009		_____			S&L
/1			rschluet 03/13/2009	_____	mbarman 03/13/2009	cduerst 04/03/2009	

FE Sent For:

<END>

→ At
Intro.

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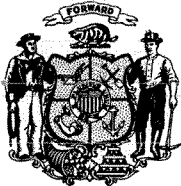
<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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11 MES 3/9/09

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

-7330/1
LRB-2329/7

MES.../...
nwn

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D - NOT E

SA ✓
X-ref ✓
gen

- 1 AN ACT ...; **relating to:** limiting a city's and village's use of direct annexation and
- 2 authorizing limited town challenges to an annexation.

Analysis by the Legislative Reference Bureau

Currently, town territory that is contiguous to any city or village may be annexed to that city or village under several methods if, in general, some of the city's or village's territory is in the same county as the territory to be annexed, unless both the town and county boards approve of the proposed annexation, and the city or village agrees to make limited payments to the town based on property taxes that the town levied on the annexed territory.

Three of the methods of annexation include the following: 1) direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; 2) annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk, and a referendum is held and passes in the town; and 3) annexation by court order and referendum, under which the governing body of a city or village adopts a resolution declaring its intention to apply to the circuit court for an order for an annexation referendum.

Another method of annexation is direct annexation by unanimous approval. If a petition for direct annexation by unanimous approval signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk and the town clerk of all of the involved towns, along with a scale map and legal description of the property to be annexed, the governing

Department of
Administration
advisory

body of the city or village may, generally, annex the property by a two-thirds vote of the body. Such an annexation, however, is subject to ~~DOA~~ review as if the annexation petition were for direct, but not unanimous, annexation or annexation by referendum. ✓

Generally, cities and villages may also annex territory that is owned by the city or village and that lies near but not necessarily contiguous to the city or village by enacting an ordinance to annex such territory. ✓

This bill limits the use of direct annexation by unanimous approval to town land that is contiguous to the annexing city or village. ✓ as well as several other types of annexations

Under current law, a town may not challenge in court, on any grounds, any direct annexation by unanimous approval. Under this bill, a town may challenge such an annexation, but only on the issue of whether the territory proposed for annexation is contiguous to the annexing city or village. ✓ keep comma direct annexation by unanimous approval

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.0217 (2) of the statutes is amended to read:

66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. Except as provided in this subsection and ✓ sub. (14), and subject to ss. 66.0301 (6) (d) and 66.0307 (7), if a petition for direct annexation signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two-thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of sub. (4). In an annexation under this subsection, subject to sub. (6), the person filing the petition with the city or village clerk and the town clerk shall, within 5 days of the filing, mail a copy of the scale map and a legal description of the territory to be annexed to the department and the governing body shall review the advice of the department, if any, before

as well as several other types of annexations, including annexation by referendum initiated by a city or village and annexation of city-owned or village-owned territory

1 enacting the annexation ordinance. No territory may be annexed by a city or village
 2 under this subsection unless the territory to be annexed is contiguous to the
 3 annexing city or village.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43.

4 **SECTION 2. 66.0217 (11) (c) of the statutes is amended to read:**

5 66.0217 (11) (c) No Except for an action relating to the issue of whether the
 6 territory to be annexed is contiguous to the annexing city or village, no action on any
 7 grounds, whether procedural or jurisdictional, to contest the validity of an
 8 annexation under sub. (2), may be brought by any town.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to any annexation that commences on the effective date
 11 of this subsection.

12

(END)

30
-2329/ldn
MES:nwn

NOTE
Date

Rep. Torgensen
 The change in s. 66.0217 (11) (c) will also
 affect annexations under ss. 66.0219, 66.0221,
 66.0223, and 66.0225. Is this consistent
 with your intent?

AMZ

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2330/1dn
MES:nwn:rs

March 13, 2009

Rep. Jorgensen:

The change in s. 66.0217 (11) (c) will also affect annexations under ss. 66.0291, 66.0221, 66.0223, and 66.0225. Is this consistent with your intent?

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

Duerst, Christina

From: Teske, Darryl
Sent: Friday, April 03, 2009 2:10 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2330/1 Topic: Limit use of direct annexation by unanimous approval to town land that borders a city or village

Please Jacket LRB 09-2330/1 for the ASSEMBLY.